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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 11/634166
Filing Date: 05/17/2005
Appellant(s): DECLAN ET AL.

Dicran Halajian
HP Docket: NL021195US

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/03/2009 appealing from the Office action mailed 11/12/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

4) Status of Amendments after Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0138781	Okuda	March 25, 2002
5,351,067	Griffiths	December 13, 1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Okuda et al. ("Okuda" US Pub No.: 2002/0138781) in view of Griffiths (US Patent No.: 5,913,038).

Claim 1:

Okuda discloses, a user interface system for presenting to a user the contents of an information carrier intended to be inserted into a reading apparatus (paragraph [0024],

said information carrier containing data files having different content types and/or different coding formats (paragraph [0024], abstract,), said user interface system comprising:

However Okuda does not explicitly disclose means for retrieving stored capabilities of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files.

Griffiths from the similar field of endeavor discloses means for retrieving stored capabilities of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files (such as, an appropriate file reader compatible with the media type of the data stream, abstract, such as video data and audio data streams, and pass these data streams to an audio renderer filter 306 and to a video CODEC filter 308, col., 11 lines, 29-54).

It would have been obvious to one of ordinary skill in the art to have modified Okuda's teaching at the time of the invention was made with the teaching of Griffiths.

The motivation to combine to provide a flexible multimedia system that can handle a wide variety of data formats and perform complex processing tasks.

Okuda further discloses selection means for selecting a set of data files complying with the CAP from among data files contained on said information carrier (paragraph [0006], [0008] and [0011]); presentation means for presenting to said user a table of contents from the selected data files (paragraph [0032] and abstract).

Claim 2:

Okuda discloses wherein the selection means comprises comparison means for comparing the coding format of the data files contained on said information carrier with the CAP of said reading apparatus for playing such a coding format (paragraph [0002], [0005] and [0039]).

Claim 3:

Okuda discloses, comprising classification means for classifying the selected data files according to their content type (paragraph, [0039], [0053] and Figure 3 and 4).

Claim 4:

Okuda discloses wherein the classification means for classifies the selected data files according to their coding format or according to a quality criterion (paragraph [0002], [0006], [0039] and Figure 3 & 4).

Claim 5:

Griffiths discloses wherein said user interface system further comprises: downloading means for downloading a plug-in allowing playing data files contained on said information carrier and considered non-playable according to initial CAP of said reading apparatus (col., 11 lines, 29-54).

Claim 6:

Okuda discloses wherein the presentation means comprises code instructions stored in a data file for describing the rules of design of said table of contents (paragraph, [0005], [0032]).

Claim 7 is similar in scope to claim 1, and is therefore rejected under similar rationale. Okuda further discloses a memory device (Figure 2 (element 16)).

Claim 8 is similar in scope to claim 2, and is therefore rejected under similar rationale.

Claim 9 is similar in scope to claim 3, and is therefore rejected under similar rationale.

Claim 10 is similar in scope to claim 4, and is therefore rejected under similar rationale.

Claim 11:

Okuda discloses, wherein said classifying means further classifies the selected data files according to a quality criterion (paragraph [0052] and Figure 3 & 4).

Claim 12 is similar in scope to claim 5, and is therefore rejected under similar rationale.

Claim 13:

Okuda discloses wherein said apparatus further comprises: means for updating said CAP according to the content type and/or coding format playable by said plug-in (paragraph [0015].

Claim 14 is similar in scope to claim 6, and is therefore rejected under similar rationale.

Claim 15 is similar in scope to claim 1, and is therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 11, and is therefore rejected under similar rationale.

Claim 17:

Okuda discloses wherein the quality criterion is resolution and/or bit rate of the data file (paragraph [0037]).

Claim 18 is similar in scope to claim 17, and is therefore rejected under similar rationale.

(10) Response to Argument:

Appellant argues that that the combination of Okuda and Griffiths neither discloses nor suggests elements of claims 1, 5, 7, 12, 13, and 15:

Pages 15-29 of the brief are substantially directed to the allegation that Okuda in view of Griffiths does not disclose the following claims 1, 5, 7, 12, 13, 15: limitation.

Ground No.1, Appellant argues Claims 1, 7, 15, ""appellants submit that the combination of Okuda and Griffiths neither discloses nor suggests a CAP file and the retrieval of the CAP file to determine the capabilities of the apparatus, as recited in independent claims I, 7 and 15, any analogy between the Okuda management data and the "stored capabilities (CAP) of said reading apparatus," (as recited in independent claim 1, and similarly as recited in independent claims 7 and 15) is misplaced. The Okuda management data is stored on the disk and is related to files on the disk. By contrast, the capabilities (CAP) are related to the reading apparatus, and not the disk. Further, paragraphs [0036] and [0037] of Okuda recite that based on the result of the analysis of the disc management data, it is determined "whether or not a file that can be played back by the optical disk unit 5." (Okuda, paragraph [0037], lines 3-4).

It is respectfully submitted that any determination in Okuda is based on analysis of files recorded on the disk, and not based on any capability of the reading device. Even assuming, arguendo, that Okuda, Griffiths, alone or in combination, somehow disclose or suggest analyzing device capabilities, there is still no discloser or suggestion of having

stored capabilities (CAP) of the reading apparatus, where the CAP is retrieved and used to select files that comply with the CAP, and present the selected file to the user, as recited in independent claims 1, 7 and 15. Accordingly, it is respectfully requested that independent claims 1, 7 and 15 be allowed. In addition, it is respectfully submitted that claims 2-6, 8-14 and 16-18 should also be allowed at least based on their dependence from independent claims 1, 7 and 15 as well as their individually patentable elements"

Ground No.2, Appellant argues Claims 5, 12 and 13, "Appellants submit that there is no disclosure or suggestion in Okuda of being able to download a plug-in" for expanding the playing capabilities of the apparatus, and for updating the capabilities (CAP) file based on the downloaded ~plug-in" and means for updating said CAP according to the content type and/or coding format playable by said plug-in"

The examiner respectfully disagrees. Representative Claims 1-18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Okuda et al. in view of Griffiths.

Okuda et al teaches a file management method, a program therefor, a recording medium containing the program, and a file management apparatus for performing the method, and can be applied to, for example, car-mounted apparatuses which play back optical disks created by personal computers, etc. Okuda invention makes it possible to easily and securely find a file of desired content, or the like, by displaying representations of files belonging to a predetermined folder and representations of files belonging to a subfolder of the folder in a virtual form in which the files belonging to the predetermined folder and the files belonging to the subfolder belong to a single folder.

Griffiths teaches multimedia data processing accomplished by automated assembly of a filter graph comprising filters operative to conduct processing functions on data streams. The filter graph can be assembled by selecting appropriate filters that can handle the data processing requirements for the desired data stream(s). For example, a graph can be constructed by (1) selecting a set of filters, including an appropriate file reader compatible with the media type of the data stream(s), a demultiplexer for separating multiplexed data, a decoder for decoding encoded data, and a renderer to display or sound the data, and (2) combining these filters within the architecture of a filter graph to efficiently process the multimedia data.

In support of the instant rejection, It is respectfully submitted that Okuda et al. in view of Griffiths as a whole also teaches a CAP file and the retrieval of the CAP file to determine the capabilities of the apparatus (such as, an appropriate **file reader** compatible with the **media type** of the data stream (Griffiths abstract). The file reader filter, also described as a source filter, **understands the format of a source file** and can efficiently read the source file from its **storage medium**. Based on the **media type** and the location of the file (local or remote storage medium), the filter graph manager can select an appropriate file reader filter, such as the source filter 210, from information maintained in the table 220. The filter graph manager 220 then instructs a file loader to load the file reader filter and, in turn, the filter graph manager begins to read the source file 216. The filter graph manager 202 then determines the outputs of the present filter, in this case, the source filter 210. For each output, the filter graph manager 202 examines entries in the table 220 to locate a filter that can accept the output as an input. It will be

understood that there can exist several filters which could perform equally well for a particular stage of the operation, but that deliver results in slightly different formats. If there are no outputs then the filter graph is complete. Of the filters, listed in the table 220, which are compatible with the data stream to be processed and may accept the output of the present filter as input, the filter graph manager 202 preferably selects the available filter with the highest Merit figure. An "available" filter is a filter that is maintained on storage medium and available for loading and use. By selecting the filter having the highest Merit figure, an attempt is made to avoid the time-consuming operation of loading a filter, only to find that the selected filter does not work within the filter graph. The filter graph manager 202 arranges for the loading of the selected filter, if required, and a connection of the output of the present filter to the input of the selected filter (Griffiths, col., 15 Lines 1-20).

It is respectfully submitted that Okuda et al. in view of Griffiths teaches downloading a plug-in" for expanding the playing capabilities of the apparatus, and for updating the capabilities (CAP) file based on the downloaded plug-in" and means for updating said CAP according to the content type and/or coding format playable by said plug-in (such as, in which music content is played back by accessing a server via communication means, Okuda paragraph [0069] and such as, a file management method for downloading a desired file to a predetermined recording medium by accessing recording means in which file are recorded in a layered structure, said file management method comprising the steps of: acquiring from said recording means first information on the addresses in said layered structure of files belonging to a predetermined folder and

second information on the addresses in said layered structure of files belonging to a subfolder of said predetermined folder; and creating, based on the first and second information, folders respectively corresponding to said predetermined folder and the subfolder in a single layer in said recording medium, and recording on said recording medium files belonging to said predetermined folder and the subfolder, Okuda, claim 12).

Based at least upon the teachings of Okuda et al. in view of Griffiths as explained in the instant rejection, coupled with the explanations set forth in the rebuttal above, it is the examiner's opinion that Okuda et al. in view of Griffiths discloses all of Appellant's claimed limitations, as instantly claimed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Meseker Takele/
Examiner, Art Unit 2175
03/12/2010

Conferees:

/William L. Bashore/
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